

# Understanding the Impact of Racial and Ethnic Disparities from Arrest to Sentencing

A Case Study of San Francisco, California; Pima County, Arizona; and New Orleans, Louisiana: Executive Summary

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## Overview

The MacArthur Foundation launched the Safety and Justice Challenge (SJC) in 2015 to reduce the over-reliance on jails across communities. This national initiative provides funding and technical assistance to local sites to help them develop and implement strategies to safely reduce jail populations, address racial and ethnic disparities, and improve community safety. Currently, many SJC sites report evidence of racial and ethnic disparities at different decision points in their case processing. However, SJC sites have less information about how disparities at one individual decision point can impact disparities at other subsequent decision points. That is, SJC sites understand the disparate outcomes at individual points, but may require more understanding into how disparities at one point affect the next and what drives these compounding, cumulative effects.

This report focuses on racial and ethnic disparities across three SJC sites: Pima County, AZ, New Orleans, LA, and San Francisco, CA. We examine how each of the three sites approach five major decision points in the criminal legal system: arrest, pretrial decision, diversion decision, case disposition, and sentencing. Each jurisdiction operates within a distinct context shaped by local demographics, economic conditions, and reform initiatives. The sites were selected because of their racial diversity, geographic diversity, and investment in racial and ethnic equity initiatives through the SJC and similar partnerships. Additionally, all three sites are from different regions of the country with various political contexts to provide a wider understanding of the system and to understand what trends may exist across multiple contexts versus what affects might be more localized.

*Table 1: Participating Site Demographics, Census 2024 Estimates*

Site <sup>1</sup>	Population	% White, non-Latine	% Black	% Latine	% API	% AIAN	% Two or more races	% NHPI
New Orleans, LA	362,701	30.1%	55.2%	7.9%	2.8%	0.3%	8.4%	0.0%
Pima County, AZ	1,080,149	50.6%	4.7%	37.0%	3.9%	4.4%	3.4%	0.3%
City & County of San Francisco, CA	827,526	37.0%	5.6%	16.8%	37.3%	1.0%	5.1%	0.4%

Note: Latine individuals can identify as multiple races, meaning that totals may exceed 100%.

<sup>1</sup> U.S. Census Bureau *Quick Facts: San Francisco, Pima County, and New Orleans*. (2023). United States Census Bureau. <https://www.census.gov/quickfacts/fact/table/sanfranciscocountycalifornia,pimacountyarizona,neworleanscitylouisiana/PST045223>

## Research Questions

In this study, we examined four key research questions:

1. Do racial and ethnic disparities exist at different decision points and within pathways in the criminal legal system?
2. When and where do these occur, and does it occur at individual decision points or cumulatively across pathways?
3. What factors drive these disparities? How do disparities by race and ethnicity intersect with individual characteristics, such as sex and age, and case characteristics, such as charge type and criminal history?
4. Which decision points have the most influence on cumulative disparities and more often change the trajectory of an individual's pathway?

## Methods

The analysis focuses on five major decision points in the criminal legal process: 1) custodial arrest (versus citation) by law enforcement, 2) pretrial detention, 3) diversion, 4) case disposition, and 5) sentencing. This section describes what those decision points are and how each site differs in their approach to handling cases at these decision points. Understanding these differences sets the point for understanding the results given the distinct demographic, economic and policy contexts across the three jurisdictions.

The dependent variables included:

1. Law enforcement: arrest versus (non-custodial) citation (binary)
2. Pretrial detention: length of stay (continuous); cash bail amount (numeric); pretrial assessment type (release on recognizance, monetary bond, etc.) (binary indicator variables)
3. Diversion: admission to a diversion program (binary)
4. Case disposition: conviction (binary)
5. Sentencing: incarceration or community supervision (binary)

We used race as our primary independent variable and controlled for sex, age at arrest, charge severity (misdemeanor/felony), number of charges, criminal history, and COVID-19.

Given the substantial differences in data structure, availability, and quality across jurisdictions, we organize our findings by site rather than by decision point or outcome. From these datasets, we are able to identify up to eight pathways in San Francisco, as detailed below, and are able to speak to within-decision point analyses in Pima County and New Orleans. This approach allows us to contextualize each jurisdiction's results within its unique data constraints and methodological limitations, even when we cannot complete a full analysis of compounded disparities due to data quality. Data limitations are detailed in the full technical report.

### *Key Overall Findings:*

- While Black men are overrepresented at most decision points, Black men are underrepresented at diversion and deflection opportunities, or off-ramps, that exist across the system. This reflects systemic disparities that must be examined at each decision point.
- Understanding where and how disparities enter the system is the first step toward meaningful intervention. High-cost, long lengths of pretrial stay for Black men are not only harmful to individuals and communities, but they also carry significant costs for the system itself.
- Sites need to examine their criminal legal system decision points, understand disparities at each point, ensure public defenders are present and active at release hearings, and implement strategies that create equitable access to off-ramps across the system.
- Pretrial detention is the highest leverage decision point in the criminal legal system. Black individuals, particularly Black men, are disproportionately impacted at this very first stage, often beginning with their first arrest on a new case.
- Significant data issues limit the analyses, and sites must continue to build a stronger data infrastructure.

### *San Francisco, CA*

- Black individuals have 41% higher odds of pretrial detention than white individuals.
- Black men have a lower rate of diversion program acceptance than white men.
- Black individuals have lower conviction rates than white individuals; however, this may reflect earlier filtering of cases of white individuals with weaker evidence, in which only cases with stronger evidence are proceeding for white individuals.

### *Pima County, AZ*

- Black individuals have 16% higher odds of pretrial detention than white individuals.
- White women have 76% lower odds and Black women have 68% lower odds of incarceration compared to white men.
- Disparities do not compound linearly; they vary by decision point and racial/gender group.

### *New Orleans, LA*

- Black men have 48% higher odds of pretrial detention than white men.
- For Black men, disparities grow from detention (+48%) to conviction (+33%) to incarceration (+60%).
- Gender provides protection for white women but is much less protective for Black women.

*Recommendations:*

*1. Build Integrated Data Infrastructure to Enable Pathway Analysis*

**Key Finding:** *The absence of linked data systems prevented efforts to examine how disparities compound across decision points in both Pima County and New Orleans, fundamentally limiting understanding of cumulative disadvantage.*

*2. Address Pretrial Detention Disparities as a High-Leverage Intervention Point*

**Key Finding:** *Black individuals faced 41-84% higher odds of pretrial detention across all three sites even after controlling for legal factors, risk assessment scores, and demographics, with detention driving disparities throughout subsequent processing.*

*3. Examine Prosecutorial Decision-Making and Plea Practices*

**Key Finding:** *Lower conviction rates for Black defendants in San Francisco and Pima County likely reflect earlier disparities that filter cases such that for white individuals, only cases with strongest evidence reach conviction.*

*4. Across each decision point, examine how strategies intended to deflect or divert impact Black men to determine if they could be more effectively used as off-ramps.*

**Key Finding:** *Black men are underrepresented at diversion and deflection opportunities, or off-ramps, despite being overrepresented at punitive decision points.*



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